

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: AVANDIA MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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**MDL No. 1871**

**Case No. 07-md-01871**

**This Document Relates To:**

**All Third Party Payor Actions**

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**ORDER**

**AND NOW**, this 3rd day of September 2020, upon consideration of Defendant GlaxoSmithKline LLC's ("GSK") Motion for Continued Sealing of Certain Documents, and Motion for the Continued Sealing of the Expert Reports of Donald Austin, Eliot Brinton, and Brian Swirsky, and all related filings, and as directed on remand from the Third Circuit Court of Appeals, for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. GSK's Motion for Continued Sealing of Certain Documents [Doc. No. 5259] is **GRANTED** in part and **DENIED** in part. Specifically, the Motion is denied except as to the redaction of the personal information of study subjects, and employee telephone numbers, addresses, and the ending of email addresses contained in the documents listed in Exhibit D to the Motion and the Abramson Reports.
2. The parties are **DIRECTED** to file versions of the documents listed in Exhibit D to GSK's Motion for Continued Sealing of Certain Documents [Doc. No. 5259-4] and the Abramson Reports that have been redacted in accordance with this Order and the accompanying Memorandum Opinion on or before **September 30, 2020**.
3. Plaintiffs' Motion to Seal Exhibit D to the Declaration of Thomas M. Sobol [Doc.

No. 5271] is **GRANTED**.<sup>1</sup>

4. GSK's Motion for the Continued Sealing of the Expert Reports of Donald Austin, Eliot Brinton, and Brian Swirsky [Doc. No. 5285] is **DENIED**. The Clerk of Court is directed to **UNSEAL** the following documents:

- i. Plaintiff Steering Committee's Generic Expert Report of Donald Austin, Ex. 149 to the Decl. of Thomas Sobol filed July 1, 2016 [Doc. No. 4907].
- ii. Plaintiff Steering Committee's Generic Expert Report of Eliot A. Brinton, Ex. 150 to the Decl. of Thomas Sobol filed July 1, 2016 [Doc. No. 4907].
- iii. Supplemental Expert Statement of Eliot A. Brinton, Ex. 151 to the Decl. of Thomas Sobol filed July 1, 2016 [Doc. No. 4907].
- iv. Plaintiff Steering Committee's Generic Expert Report of Brian Swirsky, Ex. 152 to the Decl. of Thomas Sobol filed July 1, 2016 [Doc. No. 4907].
- v. Plaintiff Steering Committee's Generic Supplemental Expert Report of Brian Swirsky, Ex. 153 to the Decl. of Thomas Sobol filed July 1, 2016 [Doc. No. 4907].

5. Plaintiffs' Motion to Seal Exhibits B-D to the Declaration of Thomas M. Sobol [Doc. No. 5291] is **DENIED**.<sup>2</sup>

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**

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<sup>1</sup> As this exhibit [Doc. No. 5272] contained documents and references under seal at the time that Plaintiffs filed the Declaration, Plaintiffs requested that it be filed under seal. Because the Court agrees that certain redactions must be made before all of the documents can be unsealed, the Court grants Plaintiffs' motion.

<sup>2</sup> As the Expert Reports of Austin, Brinton, and Swirsky were under seal at the time that Plaintiffs filed this Declaration, Plaintiffs requested that it be filed under seal. However, as the Court now determines that the expert reports should no longer remain sealed, the Court denies this motion.